

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

GREGORY A. FIGEL,

*Plaintiff,*

v.

Case No. 2:03-cv-216  
HON. R. ALLAN EDGAR

WILLIAM OVERTON, et. al.,

*Defendants.*

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**ORDER**

Defendants move for summary judgment on the plaintiff's remaining claims under F. R. Civ. P. 56 [Doc. No. 72]. Plaintiff moves for summary judgment. [Doc. No. 74]. Magistrate Judge Timothy P. Greeley has submitted a report and recommendation under 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b), and W.D. Mich. LCivR 72.1 [Doc. No. 87]. It is recommended that the motions be denied. Plaintiff objects to the report and recommendation to the extent that the Magistrate Judge recommends the plaintiff's summary judgment motion be denied.

After reviewing the record *de novo*, the Court concludes that the plaintiff's objection [Doc. No. 94] is without merit and it is **DENIED**. The Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and W.D. Mich. LCivR 72.3(b). The defendants' summary judgment motion [Doc. No. 72] and the plaintiff's summary judgment motion [Doc. No. 74] are **DENIED**. There are genuine issues of material fact in dispute which preclude summary judgment under Fed. R. Civ. P. 56.

SO ORDERED.

ENTER this the 30<sup>th</sup> day of August, 2006.

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*/s/ R. Allan Edgar*

R. ALLAN EDGAR  
UNITED STATES DISTRICT JUDGE